state of indefinite imprisonment with little prospect of either being held accountable for their actions or being allowed to prove their innocence. Since the United States began sending people to Guantanamo in 2002, only 10 individuals have ever been formally charged with any wrongdoing.

From a diplomatic standpoint, the continued indefinite detention of individuals at Guantanamo has damaged our own country. As President Bush said on June 14:

> No question, Guantanamo sends a signal to some of our friends—provides an excuse, for example, to say the United States is not upholding the values that they are trying to encourage other countries to adhere to.

The President is right. I strongly believe that the prolonged indefinite imprisonment of persons without charges is inconsistent with the traditions and values of the United States and that it will continue to cause difficulty in our relations with other nations, including the allies that we rely upon in confronting the threat of terrorism. Frankly, it is embarrassing that when our leaders travel the world they have to constantly respond to questions about why the United States is indefinitely imprisoning people and whether it is engaging in interrogation methods that amount to torture.

Where the United States was once a champion of due process and an advocate for the humane treatment of prisoners, we are now subjected to almost universal criticism throughout the world community over our violation of these principles. Our handling of these individuals has not only resulted in serious doubts by our allies about whether we are a nation that respects the rule of law, but they have also given the terrorists around the world an opportunity to use this resentment to advance their goals.

In July 2003, almost 3 years ago and over a year and a half after the first person was sent to Guantanamo, I introduced a similar amendment to the Defense Appropriations bill that would have required the Secretary of Defense to simply report to Congress regarding the status of individuals held at Guantanamo and whether it intended to charge or repatriate or release such individuals.

The amendment was aimed at encouraging the Department of Defense to make decisions as to what it intended to do with the individuals and to provide for basic congressional oversight. Opponents of the measure argued that even a report on the administration's intentions placed unwarranted pressure on the administration to make decisions and that additional time was needed to investigate those individuals and to exploit useful intelligence. Since that time, these persons have been interrogated, have been investigated at length, and any useful intelligence information has been gathered.

Once again, I anticipate there will be those who say that we need to wait, we need to do nothing, we need to let the process work itself out in the courts or within whatever timeframe the executive branch believes is proper. As Senators, I believe our responsibility is not to sit back and watch as another several years roll by. The time to act is now. Reasserting congressional oversight of this process is long overdue.

We have been holding people at Guantanamo for over 4½ years. The time has come to begin to close this chapter in our Nation's history. It is time for the Senate to provide a clear message that the United States takes seriously its obligation to uphold the rule of law.

I have no doubt that we will look back at the Guantanamo experience as an aberration, as a mistaken endeavor that has taken us away from our historic commitment to the rule of law and respect for basic human rights. However, I also believe that we are at a transition period. We have before us an opportunity to change course. I hope my colleagues will support this important measure when I do offer it as an amendment to the Defense authorization bill.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague for his cooperation on the procedure this afternoon. This is a very significant and important amendment. In due course we will have comments from our side with regard to the amendment. I am certain the distinguished ranking member and I will work out a timely schedule for you to bring it up again, take such time as you need for further debate, be followed by a debate on this side and then a vote, because it certainly is one that deserves the attention of the Senate.

Mr. President, I see my distinguished ranking member here. We are in morning business, I say to my colleague.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me commend the Senator from New Mexico for his amendment. It is a very significant amendment. It is carefully worked out. It is very much worthy of the Senate's consideration.

I know we are in morning business. I simply want at this point to inform the body that an amendment which I have now filed on behalf of myself, Senator JACK REED, Senators FEINSTEIN and SALAZAR, is now at the desk. Its number is 4320. Its purpose is to state the sense of Congress on the United States policy on Iraq.

I am not going to speak on the amendment at this time.

Mr. WARNER. Why don't you go ahead and speak on it?

Mr. LEVIN. No, I would rather save my remarks for a time when it relates more to the issue at hand, when we call up this amendment. I thank my good friend from Virginia for that suggestion, but I think I would rather, at the time I call up the amendment, make the remarks.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, in his usual courtesy, the Senator from Michigan handed me, a few moments ago, this amendment. I glanced over it. It is, indeed, I think, a very serious-minded approach. I am not sure at this point in time I am ready to say that I concur in all provisions. But it is reminiscent of the initiative taken last year by the distinguished Senator from Michigan when he put in an amendment with regard to the situation in Iraq. I recall very well having taken that amendment and reworked it in some several ways, and eventually the Senate adopted that amendment. So I will, accordingly, give it very serious consideration, and at an appropriate time I look forward to engaging him in debate on this amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Let me again thank my good friend from Virginia. I, too, indeed, remember that debate last year on that amendment. The Senator from Virginia made a very constructive contribution to the debate. The final outcome was not the original amendment that I filed, but what remained of the amendment was significant and I think had an impact on the policy of this country. I commended him then and I commend him now for that effort on his part. I look forward to a discussion about this amendment, No. 4320.

Mr. WARNER. Mr. President, I thank my colleague. I notice in this amendment, though, language quite similar to what we had last year in one provision on this amendment.

At this time, unless the Senator from New Mexico desires to further address the Senate, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska is recognized.

MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT OF 2005

Mr. STEVENS. Mr. President, the Senate just passed critical legislation to ensure the productivity and sustainability of our Nation's fishery resources. S. 2012, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, is the product of over a year and a half of discussions, hearings, drafts, revisions, and compromise.

My good friend and cochairman of the Commerce Committee, Senator INOUYE, worked closely with me on drafting this bill to manage and regulate the fisheries in the United States

Exclusive Economic Zone. The bill is cosponsored by Senators LOTT, HUTCHISON, SNOWE, SMITH, VITTER, KERRY, BOXER, LAUTENBERG, BILL NELSON, CANTWELL, and PRYOR.

In a speech last week, President Bush urged the Congress to pass legislation to reauthorize the Magnuson-Stevens Act. The Senate has now acted and I will work closely with the House to get our bills resolved in conference and get this important legislation to the President for his signature.

The Magnuson-Stevens Fishery Conservation and Management Act of 2005 implements many of the recommendations from the U.S. Commission on Ocean Policy, the first such Congressionally authorized commission to review our Nation's ocean policies and laws in over 35 years. The recommendations of the commission were important to the development of this Act. The intent of this legislation is to authorize these recommendations and to build on some of the sound fishery management principals we passed in the Sustainable Fisheries Act in 1996, the last time we reauthorized the Act.

Specifically, our bill will preserve and strengthen the Regional Fishery Management Councils. The eight regional councils located around the United States and Caribbean Islands are a model of Federal oversight benefiting from local innovation and management approaches. This reauthorization legislation establishes a council training program designed to prepare members on the numerous legal, scientific, economic, and conflict of interests requirements that apply to the fishery management process. In addition, to address concerns over the transparency of the regional council process, the bill provides for additional financial disclosure requirements for council members and clarifies the Act's conflict of interest and recusal requirements.

The bill mandates the use of annual catch limits that shall not be exceeded to prevent overfishing and preserve the sustainable harvest of fishery resources in all 8 regional council jurisdictions. The President mentioned in his speech last week that overfishing must end. The bill the Senate passed today will achieve this goal by requiring every fishery management plan contain an annual catch limit be set at or below optimum yield—this will provide accountability in our fisheries and ensure that harvests do not exceed a level that provides for the continued productivity of the fishery resource.

An important recommendation from the U.S. Commission on Ocean Policy was to establish national standards for quota programs. Our legislation establishes national guidelines for Limited Access Privileges Programs for the harvesting of fish. Limited access privilege programs, called LAPPs for short, include individual fishing quota, and are expanded to allow for allocation of harvesting privileges under these programs to fishing communities or regional fishery associations, which can take into account impacts on shoreside interests in a rationalized fishery. In addition, there is a 5-year administrative review to ensure future quota programs are meeting the goals of the program and the conservation and management requirements of the act.

An important objective of the bill the Senate passed today is to provide a more uniform and consistent process for fishery management.

The bill requires a revision and updating of agency procedures for fishery management compliance with the national Environmental Policy Act, known as NEPA. This would allow for the development of one content process for councils to consider the substantive requirements of NEPA under the timelines provided in the Magnuson-Stevens Act when developing fishery management plans, plan amendments, and regulations. The regional councils, the administration, and to a lesser extent the U.S. Commission on Ocean Policy, all recommended the need for addressing the inconsistencies between the two acts and resolving timelines or process issues such that councils are not spending all their time and funding on developing litigation proof Environmental Impact Statements and Environmental Assessments under NEPA.

This legislation will strengthen the role of science in council decision making, another important recommendation of the U.S. Commission on Ocean Policy, through a number of provisions. It specifies that the role of the Scientific and Statistical Committees SSCs is to provide their councils with ongoing scientific advice needed for management decisions, which may include recommendations on acceptable biological catch or optimum yield, annual catch limits, or other mortality limits. The SSCs are expected to advise the councils on a variety of other issues, including stock status and health, bycatch, habitat status, and socio-economic impacts.

Improvements for data collection and better management are important enhancements to the overall effectiveness of the Magnuson-Stevens Act. The bill the Senate passed today authorizes a national cooperative research and management program, which would be implemented on a regional basis and conducted through partnerships between Federal and state managers, commercial and recreational fishing industry participants, and scientists. It provides a mechanism for improving data relating to recreational fisheries by establishing a new national program for the registration of marine recreational fishermen who fish in Federal waters. And it directs the Secretary, in cooperation with the councils, to create a regionally based Bycatch Reduction Engineering Program to develop technological devices and engineering techniques for minimizing bycatch, bycatch mortality, and post-release mortality.

Finally, it is important to note the Magnuson-Stevens Act has worked well and provided for the effective conservation and management of U.S. fishery resources. For instance, the fisheries managed by the North Pacific Council, which both the U.S. Commission on Ocean Policy and the Pew Oceans Commission lauded as the example for proper fisheries management, does not have an overfished stock or endangered species of fish. It consistently sets an optimum yield far below the acceptable biological catch and as a result the fisheries in its jurisdiction have remained sustainable and productive. Our goal here is to improve the act and allow for continued sustainability of the resource for generations to come.

Unfortunately, management internationally and especially on the high-seas is lacking. Illegal, unreported, and unregulated fishing, IUU, as well as expanding industrial foreign fishing fleets and high bycatch levels, are threats to sustainable fisheries worldwide. Ultimately, these types of unsustainable and destructive fishing practices on the high seas threaten the good management that does take place in U.S. waters.

The bill the Senate has passed today strengthens U.S. leadership in international conservation and management by requiring the Secretary of Commerce to establish an international compliance and monitoring program, provide reports to Congress on progress in reducing IUU fishing, promote international cooperation, and strengthen the ability of regional fishery management organizations to combat IUU and other harmful fishing practices. In addition, the legislation allows for the use of measures authorized under the High Seas Driftnet Act to force compliance in cases where regional or international fishery management organizations are unable to stop IUU fishing.

I have enjoyed very much the bipartisan spirit that has defined this legislation and in particular working closely with my Commerce Committee co-chairman Senator INOUYE to produce such important legislation to ensure the conservation and management of our Nation's fishery resources.

I end by congratulating all for the bipartisan spirit which defines this legislation, and in particular my close working relationship with Senator INOUYE to produce this important legislation and for the action of Senator MURRAY. She and I entered into an agreement for comments. I congratulate her for her work with me on this important legislation to ensure the conservation and management of our fisheries resources, and I thank the managers of the bill.

Mr. WARNER. Mr. President, I am advised the distinguished majority leader will momentarily come to the floor for purposes of stating the proposal we have with regard to the matters Senator KENNEDY addressed earlier. Until such time occurs, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The PRESIDING OFFICER. The clerk will please report the pending business.

The legislative clerk read as follows:

A bill (S. 2766) to authorize preparations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

McCain amendment No. 4241, to name the act after John Warner, a Senator from Virginia.

Nelson (FL)/Menendez amendment No. 4265, to express the sense of Congress that the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States.

McConnell amendment No. 4272, to commend the Iraqi Government for affirming its positions of no amnesty for terrorists who have attacked U.S. forces.

Dorgan amendment No. 4292, to establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism.

Mr. KENNEDY. Mr. President, I ask unanimous consent to lay aside the pending amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4322

Mr. KENNEDY. I call up my amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 4322.

Mr. KENNEDY. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage)

At the appropriate place, insert the following:

SEC. ___. INCREASE IN THE MINIMUM WAGE.

(a) FEDERAL MINIMUM WAGE.—

(1) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than—

''(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the National Defense Authorization Act for Fiscal Year 2007;

''(B) $6.55 an hour, beginning 12 months after that 60th day; and

''(C) $7.25 an hour, beginning 24 months after that 60th day;''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 60 days after the date of enactment of this Act.

(b) APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—

(1) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(2) TRANSITION.—Notwithstanding paragraph (1), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

AMENDMENT NO. 4323 TO AMENDMENT NO. 4322

Mr. FRIST. I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 4323 to amendment No. 4322.

Mr. FRIST. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions)

At the end of the amendment add the following:

SEC. ___. TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

''CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION

''Sec.

''2431. Transportation of minors in circumvention of certain laws relating to abortion.

''§ 2431. Transportation of minors in circumvention of certain laws relating to abortion

''(a) OFFENSE.—

''(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports a minor across a State line, with the intent that such minor obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the minor resides, shall be fined under this title or imprisoned not more than one year, or both.

''(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed on the minor, in a State other than the State where the minor resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the minor resides.

''(b) EXCEPTIONS.—

''(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

''(2) A minor transported in violation of this section, and any parent of that minor, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

''(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the minor or other compelling facts, that before the minor obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the minor resides.

''(d) CIVIL ACTION.—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

''(e) DEFINITIONS.—For the purposes of this section—

''(1) a 'law requiring parental involvement in a minor's abortion decision' means a law—

''(A) requiring, before an abortion is performed on a minor, either—

''(i) the notification to, or consent of, a parent of that minor; or

''(ii) proceedings in a State court; and

''(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

''(2) the term 'parent' means—

''(A) a parent or guardian;

''(B) a legal custodian; or

''(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides, who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

''(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

''(4) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

''117A. Transportation of minors in circumvention of certain laws relating to abortion ..... 2431''.

Mr. FRIST. Mr. President, a lot of discussion has been going on in the Senate with regard to a shift that we are making that I don't entirely agree with. That is a shift off of the underlying bill—not literally off the bill but in terms of substance—addressing the issue of minimum wage that my colleague from Massachusetts has addressed.